

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

NATIONAL LABOR RELATIONS
BOARD,

Petitioner,

v.

ORCHIDS PAPER PRODUCTS
COMPANY,

Respondent.

COA No. 19-9503

NLRB Nos. 14-CA-184805, et al.

ORCHIDS PAPER PRODUCTS COMPANY'S ANSWER TO
APPLICATION FOR ENFORCEMENT OF AN ORDER
OF THE NATIONAL LABOR RELATIONS BOARD

Pursuant to Fed. R. App. P. 15(b)(2), Orchids Paper Products Company ("**Orchids Paper**") files this Answer to the Application for Enforcement of an Order of the National Labor Relations Board ("**NLRB**" or "**Board**"). In support of its Answer, Orchids Paper states as follows:

1. Orchids Paper admits that the Board issued a final Order on November 20, 2018 in Board Case Nos. 14-CA-184805, 14-CA-184807, 14-CA-188413, 14-CA-189031, 14-CA-190022, 14-CA-192908, and 14-CA-199035, reported at 367 NLRB No. 33 ("**Order**").
2. Orchids Paper admits that the Board filed an Application for Enforcement of that Order with this Court.
3. Orchids Paper admits that the Court has jurisdiction over the Board's Application pursuant to Section 10(e) of the National Labor Relations Act, as amended (29 U.S.C. § 151, 160(e)).

4. Orchids Paper admits that venue is proper in this Circuit because the alleged unfair labor practice(s) occurred in Pryor, Oklahoma.

5. Orchids Paper hereby incorporates by reference all exceptions, claims, and defenses asserted by Orchids Paper in the administrative proceedings underlying the Board's Order.

6. Orchids Paper denies that the Board is entitled to enforcement of the Order in full and respectfully requests that the Order be vacated with respect to each component thereof that was not supported by substantial evidence.

WHEREFORE, Orchids Paper Products Company respectfully requests that this Court deny the Board's Application for Enforcement and hold that the Board's Order is void, unenforceable, and without merit. Orchids Paper Products Company further asks for such other relief, including costs, as the Court may deem just and equitable.

Dated: February 1, 2019

Respectfully submitted,

POLSINELLI PC

By: /s/ Donald L. Samuels

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CERTIFICATE OF SERVICE

I hereby certify that on February 1, 2019 I electronically filed the foregoing using the court's CM/ECF system which will send notification of such filing to the following:

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Date: February 1, 2019

/s/ Donald L. Samuels

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